

deferral process or CERCLA decisions at the Yerington Anaconda Mine CERCLA site; and

THEREFORE BE IT RESOLVED that the Walker River Paiute Tribal Council does hereby direct The Walker River Paiute Tribe Environmental Department to request that the agencies address the following items prior to development of MOU(s) related to deferral:

1 Financially Support the Tribal Environmental Department

The Tribe receives a Superfund grant that is restricted to Superfund activities such as document review, associated sampling and support for participating staff and consultants. This type of grant funding for Tribes is typical for CERCLA sites that involve tribes. The Environmental Program also uses several other grants with some funding attributable to site issues; for example, the General Assistance Grant also includes Superfund work plan components. Adding to this, the Tribe has more competitive SDWA 106 and other EPA grants that not only have Superfund components, but the Tribe is more likely to be funded because of the CERCLA status of the site. This financial requirement is expected to increase with increased activity at the site and economic inflation.

If the site becomes CERCLA deferred, the funding would need to be replaced by the State of Nevada or the responsible party, ARC. In summary, a commitment to fully fund the Tribe's Environmental Office is expected to be in any CERCLA deferral agreement with ARC. It is noteworthy that under the CERCLA process, EPA funds the Tribe and seeks compensation from ARC; the State of Nevada, with NDEP as the lead agency at the site, would then have to guarantee the funding under a deferred process.

2 Support Community Outreach at the Tribe

The now outdated Community Involvement Plan (CIP) will need to be completed before deferral should be considered. This would allow the Tribe to better participate in the process and since exposure to mine waste by Tribal members can be unique in the community, the CIP and subsequent financial support for community outreach will need to specifically include funds for Walker River Tribal Departments to collect the needed data and information from Tribal members and the Reservation in general. This will insure continued protection of cultural resources.